

## **BANGOR TOWNSHIP, VAN BUREN COUNTY, MICHIGAN**

### **CEMETERY ORDINANCE, NO. 21**

An ordinance to protect the public health, safety and general welfare by establishing rules and regulations relating to the operation, control, and management of cemeteries owned by the Township of Bangor, Van Buren County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF BANGOR, VAN BUREN COUNTY, MICHIGAN, ORDAINS:

#### Section 1: Title

This ordinance shall be known and cited as the Bangor Township Cemetery Ordinance.

#### Section 2: Definitions of Cemetery Lots and Burial Spaces - Residents and Taxpayers

A cemetery lot shall consist of burial spaces sufficient to accommodate from one to six burial spaces.

An adult burial space shall consist of a minimum of land area at least four (4) feet wide and ten (10) feet in length and accommodate no more than one adult or any combination of cremains, infants, or stillborns not to exceed three per space.

An infant or stillborn or cremains burial space shall consist of a land area three (3) feet wide and three and one half (3½ ) feet in length in areas set aside specifically for such burials.

A resident is defined as a person who lives in Bangor Township, or is a child or legal dependent of such person and living with such person at the time of the purchase of a burial space. Proof of residency shall be determined by voter registration, driver's license, passport, birth certificate, State ID card, State Income Tax return or similar documents. The Township clerk or the Township supervisor shall have the sole discretion to determine who is and who is not a resident.

A taxpayer is one who owns property in the Township and whose name appears on at least the last five (5) years of tax bills prior to purchase of a burial space.

### Section 3: Sale of Burial Spaces

Burial spaces shall be sold only for the purpose of the burial of residents and taxpayers as defined in Section 2. No sale shall be made to funeral directors or others than as heretofore set forth. The sale of burial spaces to non-residents may be permitted when the purchaser discloses sufficient personal reason for burial within the Township through previous residence (for at least five (5) years) in the Township, relationship to persons interred therein or shall be interred therein (as evidenced by the purchase of burial rights).

All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space sold. Such form shall be executed by the Township Clerk.

Burial rights may only be transferred to those persons eligible as described above for the purpose and rate (resident, non-resident) at which originally purchased and may be effected only by endorsement of an assignment of such burial permit upon the original burial permit form issued by the Township Clerk, approved by said Clerk, and entered upon the official records of said Clerk. Upon such assignment, approval and record, said Clerk shall issue a new burial permit to the assignee and shall cancel and terminate upon such records, the original permit thus assigned.

### Section 4: Purchase Price and Transfer Fees

Costs of burial spaces and transfer of one or more burial spaces from an original purchaser to a qualified assignee shall cost an amount as from time to time set by resolution of the Township Board on a schedule of costs.

The foregoing charges shall be paid to the Township Treasurer and shall be deposited in the cemetery fund. One half of the fund shall be used for maintenance and upkeep. The other half of the fund shall accumulate sufficient money as determined by the board to purchase and prepare one acre of land for cemetery use. Thereafter 100% shall be used for cemetery maintenance.

The Township Board, by resolution, may periodically alter fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

### Section 5: Grave Opening Charges

The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board, payable to the Township.

No burial spaces shall be opened and closed except under the direction and control of the Clerk or Cemetery Sexton. This provision shall not apply to proceedings for the removal and re-interment of bodies and remains, which matters are under the supervision of the local health department.

#### Section 6: Markers or Memorials

All markers or memorials must be of stone or other material of equally durable composition.

Markers and monuments must be located upon a suitable foundation to maintain the same in an erect position.

Only one monument, marker or memorial shall be permitted per burial space. A family plot with four or more contiguous burial sites will be allowed an additional family stone.

The footing or foundation upon which any monument, marker or memorial must be placed shall be constructed by the Township at costs to the owner of the burial right.

#### Section 7: Interment Regulations

Only one person may be buried in a burial space except for a mother and infant or two children buried at the same time.

Not less than forty-eight (48) hours notice shall be given in advance of any time or any funeral to allow for the opening of the burial spaces.

The appropriate permit for the burial space involved, together with appropriate identification for the person to be buried therein, where necessary, shall be presented to either the Clerk or the Sexton prior to interment. Where such permit has been lost or destroyed, the Township Clerk shall be satisfied, from his or her records, that the person to be buried in the burial space is an authorized and appropriate one before any interment is commenced or completed.

All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

#### Section 8: Ground Maintenance

No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the Cemetery Sexton or the Township Clerk.



No perennial flowers, shrubs, trees or perennial vegetation of any type shall be planted without the approval of the Sexton or the Township Clerk. Any of the foregoing items planted without such approval may be removed by the Township or the Cemetery Sexton.

The Township Board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.

Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.

The Cemetery Sexton or Clerk shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers therefor that through decay, deterioration, damage or otherwise become unsightly, a source of litter or a maintenance problem.

Surfaces other than earth or sod are prohibited.

All refuse of any kind or nature including, among others, dried flowers, wreaths, papers, and flower containers must be removed. From time to time the Township Board by resolution, may add future rules and regulations. Such rules and the schedules of fees shall be posted at the Township hall and available for free distribution.

#### Section 9: Forfeiture of Vacant Burial Spaces

Burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the Township upon occurrence of the following events:

Notice shall be sent by the Township Clerk by first class mail to the last known address of the last owner of record informing him of the expiration of the 40-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the Township Clerk within 60 days from the date of mailing of the within notice his desire to retain said burial rights.

No written response to said notice indicating a desire to retain the cemetery lots of burial spaces in question is received by the Township Clerk from the last owner of record of said lots or spaces, or his heirs or legal representative, within 60 days from the date of mailing of said notice.

#### Section 10: Repurchase of Burial Spaces

The Township will repurchase any vacant burial space from the owner for the original price paid to the Township upon written request of said owner or his legal heirs or representatives.

#### Section 11: Records

The Township Clerk shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the Township and the same shall be open to public inspection at all reasonable business hours.

#### Section 12: Vault

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

#### Section 13: Cemetery Hours

The cemetery shall be open to the general public from the hours of dawn to dusk each day. No person shall be permitted in the Township cemeteries at any time other than the foregoing hours, except upon permission of the Township Board, Clerk or Cemetery Sexton.

#### Section 14: Penalties

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a civil infraction and shall be subject to a fine of up to \$100.00. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

#### Section 15: Severability

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 16: Effective Date

This ordinance shall take effect thirty (30) days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Roll call vote: Hoover, Karr, Houdek, Poland, Hessey

Ayes: 5

Nays: 0

Absent: 0

Abstain: 0

TOWNSHIP OF BANGOR

Date: October 9<sup>th</sup>, 2007

  
Linda Poland, Clerk